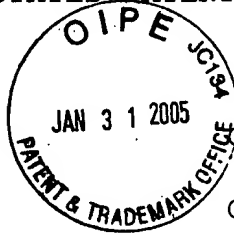


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Christoph KIRCH, et al.



Confirmation No.: 3234

Appln. No.: 09/831,272

Group Art Unit: 1636

Filed: August 13, 2001

Examiner: MARVICH, Maria

For: CHIMERIC PROMOTERS CAPABLE OF MEDIATING GENE  
EXPRESSION IN PLANTS UPON PATHOGEN INFECTION AND  
USES THEREOF

Attorney Docket No.: 4038.001

Customer No.: 000041288

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136  
AND PAYMENT OF FEE UNDER 37 C.F.R. §1.17

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for an extension of time of **three (3) months**, extending the response period from October 28, 2004 to January 28, 2005. A check in the amount of \$1,020.00 is attached. Please charge or credit any difference or overpayment to Deposit Account No. 16-0877. Further, the Commissioner is hereby authorized to charge any additional fees, except for the issue fee, necessary for the continued pendency of this application to Deposit Account 16-0877.

Respectfully submitted,

John J. Martinez, M.D., J.D.  
Registration No. 48,254

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Date: January 27, 2005

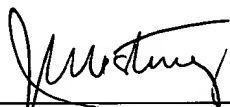
U.S. Patent Application No. 09/831,272  
PETITION FOR EXTENSION OF TIME

ATTORNEY DOCKET NO.: 4038.001

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing PETITION FOR EXTENSION OF TIME for U.S. Application No. 09/831,272 filed August 13, 2001 was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 27, 2005.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
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John J. Martinez, M.D., J.D.